

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

TOMMY LEE HAMBERLIN, #42740

PETITIONER

VERSUS

CIVIL ACTION NO. 5:10-CV-90-DCB-MTP

CHRISTOPHER EPPS, et al.

RESPONDENTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation of August 10, 2010 [docket entry no. 11]. Therein, Judge Parker recommends that the *pro se* petition of Tommy Lee Hamberlin for writ of habeas corpus under 28 U.S.C. § 2254 be denied and dismissed with prejudice. Having reviewed the Petitioner's Motion, the Report and Recommendation, the Petitioner's objections thereto, and applicable statutory and case law, this Court finds and orders as follows:

Judge Parker recommended that Petitioner's writ be dismissed as time-barred because it was filed well after the one-year statute of limitations provided for in the Antiterrorism and Effective Death Penalty Act and the circumstances here do not warrant equitable tolling of that limitations period. Petitioner objects to the Report and Recommendation by reasserting certain of the substantive grounds on which his Petition is based and rearguing why he was not able to timely file it. After a de novo review of the Magistrate Judge's Report and Recommendation and a

review of the Petitioner's objections, the Court is unable to find any error with the Magistrate Judge's findings. The Court is satisfied that the Magistrate Judge has undertaken an extensive examination of the issues in this case and has issued a thorough opinion.

Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation [docket entry no. 11] is **ADOPTED**.

IT IS FURTHER ORDERED that the Petitioner's objections [docket entry no. 12] to the Magistrate Judge's Report and Recommendation are **OVERRULED**.

SO ORDERED, this the 9th day of February 2011.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE